

From: [Fritz, Maranda](#)
To: [Miller, Terry](#)
Cc: [Brent R. Baker](#); [Aaron Lebenta](#); [Jonathan D. Bletzacker](#); [Carlyle, Zachary T.](#)
Subject: RE: SEC v. Alpine - John Hurry Deposition
Date: Friday, March 16, 2018 4:49:08 PM

EXHIBIT

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Terry,

I know that you were concerned that there would be a misunderstanding, and I apologize for any miscommunication. As I said on the phone, I can confirm that Alpine does not intend to appear for a deposition of John Hurry because it's our understanding that he would have to be – but has not been – served with a subpoena. I also confirmed in our call that I understand that you intend to make a motion arguing that your notice was valid, and I expressed my view that (in order to make the motion) you did not need to go through the hoopla of having a court reporter present, given that we understand, and you've been advised that the notice of deposition appears not to be valid and that Mr. Hurry is not appearing pursuant to it.

Have a good weekend.

Maranda

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From: Miller, Terry [mailto:millerte@SEC.GOV]
Sent: Friday, March 16, 2018 6:39 PM
To: Fritz, Maranda
Cc: Brent R. Baker; Aaron Lebenta; Jonathan D. Bletzacker; Carlyle, Zachary T.
Subject: Re: SEC v. Alpine - John Hurry Deposition

This is not what we discussed.

Sent from my iPhone

On Mar 16, 2018, at 4:38 PM, Fritz, Maranda <Maranda.Fritz@thompsonhine.com> wrote:

Terry,

I can't assist in terms of efficiency. To my knowledge, your deposition notice is not valid. You had stated that you believed the notice was appropriate because John Hurry is a director, but you then received deposition testimony confirming that he's not a director. You then maintained that Mr. Hurry is subject to notice under Rule 37 but that appears not to be correct. You also indicated that you've tried, but failed, to serve him with a subpoena.

It's my understanding, therefore, that there is no valid notice of deposition and Alpine does not intend to appear.

Thanks

Maranda

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<image001.jpg>

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<image002.jpg>

From: Miller, Terry [<mailto:millerte@SEC.GOV>]
Sent: Friday, March 16, 2018 5:15 PM
To: Fritz, Maranda
Cc: Brent R. Baker; Aaron Lebenta; Jonathan D. Bletzacker; Carlyle, Zachary T.
Subject: SEC v. Alpine - John Hurry Deposition

Hi Maranda, thanks for the call, I know you are busy.

As we discussed, I'm writing to confirm that the SEC plans to go forward with John Hurry's deposition on March 20. We have a court reporter set up at the SEC's SLC office and can complete Mr. Hurry's deposition simultaneously with Mr. Jones's deposition.

Please send us an email with any suggestions you have to make this more efficient.

Thanks,

Terry R. Miller
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